

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**PATRICIA FRENCH,**

Plaintiff,

v.

**ROULA M. ULAYYET,**

Defendant.

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Civil Action No. **3:10-CV-2359-L**

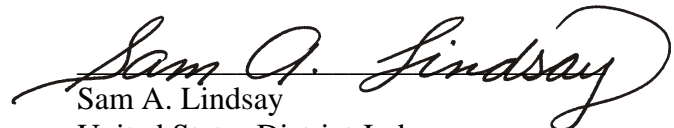
**ORDER**

Before the court is Defendant's 12(b)(6) Motion to Dismiss, filed January 10, 2011. United States Magistrate Judge Renee Harris Toliver entered her Supplemental Findings, Conclusion and Recommendation ("Report") on April 14, 2011, pursuant to the court's April 11, 2011 order of reference. Plaintiff Patricia French has filed no objections to the Report.

Magistrate Judge Toliver recommends that the court grant Defendant's pending motion and dismiss this action with prejudice because Plaintiff's claim alleges that Defendant is not an "employer" within the meaning of the Americans with Disabilities Act ("ADA"). Specifically, Defendant does not meet the ADA's numerosity requirement of having fifteen or more employees. Accordingly, Plaintiff cannot recover on her ADA claim and dismissal is proper.

Having reviewed the motion, filings, record, applicable law, and Report, the court **determines** that the magistrate judge's findings and conclusion are correct. They are therefore **accepted** as that of the court. Accordingly, the court **grants** Defendant's 12(b)(6) Motion to Dismiss and **dismisses** this action **with prejudice** pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief could be granted. Pursuant to Rule 58, a judgment will issue by separate document.

**It is so ordered** this 29th day of April, 2011.

  
Sam A. Lindsay  
United States District Judge